



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

7 APRIL 2021



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL
HELD 7 APRIL 2021 IN ST KILDA TOWN HALL**

The meeting opened at 6:32pm.

PRESENT

Cr Crawford (Chairperson), Cr Baxter, Cr Bond, Cr Clark, Cr Copsey, Cr Martin, Cr Pearl, Cr Sirakoff.

IN ATTENDANCE

Peter Smith, Chief Executive Officer, Lili Rosic, General Manager Development Transport and City Amenity, Tony Keenan, General Manager Community Wellbeing and Inclusion, Chris Carroll, General Manager Customer Operations and Infrastructure, Danielle Bleazby, Acting General Manager City Growth and Organisational Capability. Rachel Russell, Manager Governance and Organisational Performance, Kirsty Pearce, Head of Governance, Emily Williams, Council Meetings Officer. Brian Tee, Manager Partnerships and Transport, Anthony Traill, Open Space, Recreation and Community Resilience, Laura Cattapan, Coordinator Grants and Community Building, Anthony Savenkov, Acting Executive Manager Property and Assets.

The City of Port Phillip respectfully acknowledges the Yalukut Weelam Clan of the Boon Wurrung. We pay our respect to their Elders, both past and present. We acknowledge and uphold their continuing relationship to this land.

1. APOLOGIES

An apology was received from Councillor Cunsolo.

2. CONFIRMATION OF MINUTES

MOVED Crs Baxter/Bond

That the minutes of the Meeting of the Port Phillip City Council held on 17 March 2021 be confirmed

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.



4. PUBLIC QUESTION TIME AND SUBMISSIONS

The following submissions were made verbally during the council meeting and can be listened to in full on our website: <http://webcast.portphillip.vic.gov.au/archive.php>

Public Question Time:

- **John Spierings**, spoke in detail about the affordable housing strategy (available on webcast) and asked the following public questions:

Has Council commenced discussions with the Government to take advantage of this specific opportunity and to leverage Council property assets for social housing over the next four years as outlined in its strategy - in addition to the existing Marlborough Street and Wellington Street [Common Ground] projects?

How many properties have been identified as suitable for this purpose and what is the potential housing yield of these properties?

Is Council pursuing other elements such as increasing the yield from existing public housing sites, PPHT assets and the delivery of more affordable housing at Fishermans Bend?

Tony Keenan, General Manager Community Wellbeing and Inclusion, responded that Council has In Our Back Yard in place with a number of aims around improving affordable housing in the City. In relation to specific questions, Council is working with the Victorian Government to identify and facilitate opportunities to improve and increase the yield from public housing sites. The Mayor, CEO and officers met with the Minister for Housing Richard Wynne last week and had positive discussions around that. Ultimately that will be a decision of the state government through their own budget processes but we would be hopeful that there will be opportunities to improve and increase the yield of existing public housing. City of Port Phillip is very happy to work with Housing First to facilitate the redevelopment of their assets and would work with Housing First if they propose any new projects along those lines. We're very proud of the work we've done to date in pursuing and advocating for affordable housing planning mechanisms and have done a range of things advocating and working with the Victorian Government. Some of the outcomes of this we achieve permits for 65 units of community housing at Fishermans Bend, negotiated under voluntary planning agreements there and we are continuing to negotiate agreements with private developers. We've done a range of advocacy in relation to a mandatory planning mechanism such as inclusionary zoning including submissions to the ministerial advisory committee for planning mechanisms and again we raised this with Minister Wynne when we met with him last week. We work with Fishermans Bend Taskforce, City of Melbourne and Government departments to develop affordable housing guidelines. In relation to delivering of Community housing assets on Council land, there was a report last year on the 2nd December, which assessed a range of Councils assets and the property portfolio to determine when any of them can be delivered. It was concluded that all of the sites were not immediately suitable for a range of reasons such as, excessive loss of car parking, the project delivery being too complex, too long or not being able to deliver viable cost effective option. We will continue to review those and there will be opportunities to continue to explore what Council assets can be provided and that would be determined through business cases to the Council.



- **Jennifer Edge:** Submitted 5 public questions to Council:
 1. In relation to the City of Port Phillip access network funding and objectives, what are their responsibilities to members like myself who have lacked ongoing service from that group for two and a half years?
 2. In relation to the City of Port Phillip communication avenues, pre COVID and during the COVID period it has been very difficult for me as I rely on hard copies. Can the Council provide an update on why I have not been provided with access to information relating to meetings that have occurred since October 2019?
 3. The St Kilda Drumming community incorporates everybody in the community including the itinerate and the disadvantaged and has been instrumental during COVID giving people a sense of community. What support does Council offer the drumming community?
 4. Since October 2019, I have requested for hard copies of the responses to questions that I have asked, that were taken on notice. Can these be provided by Council?
 5. Since prior to 2018, there have been ongoing issues with the rotary children's playground and Stokehouse. The rotary playground's full lighting has not been restored, and there are ongoing issues with bins being temporarily removed by surrounding hospitality venues. While the bins are removed and not available for the public to use, this is resulting in litter on the foreshore. Can Council provide me with an update with these issues?

Councillor Crawford took the questions on notice.

Council Report submissions:

Item 7.2 Petition - Retain BEE Garden at Ludwig Stamer Reserve

- Michael Sabada

Item 9.1 Multicultural Advisory Committee Annual Report 2020

- Georgina Tsolidis

Item 9.2 Older Persons Consultative Committee Annual Report 2020

- Freda Erlich

Item 15.1 Notice of Motion – Councillor Tim Baxter - Australian Government intervention in the case of Julian Assange

- Camillo De Luca
- Gaetano Greco
- Walter Mellado

Item 15.2 Notice of Motion – Councillor Katherine Copsey – Rainbow Local Government

- Andrew Perkins

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The following submissions were submitted prior to the meeting and were read out in summary by the Head of Governance and can be listened to on our website:

<http://webcast.portphillip.vic.gov.au/archive.php>

Public Question Time:

- **Adrian Jackson:** Will council install durable and useful playground equipment in the Gasworks park that everyone can use?

Anthony Traill, Manager Open Space, Recreation and Community Resilience advised that Council will consult the community on a revised concept for the Gasworks park later this year that aligns with Victorian Government investigations into soil contamination at this site. The concept will include the provision of a new playground for community feedback and comply with our commitment to keep the park as an off leash park in a native bush setting.

- **Adrian Jackson:** Does council inspect road and footpath repairs to ensure they are correctly done?

Chris Carroll, General Manager Customer, Operations and Infrastructure advised that Council does carry out inspections and we are reviewing our capacity and organizational structure to conduct more inspections across all of our assets. I will also take on note the three examples that Mr. Jackson provided prior to the meeting and specifically look into those as well.

- **Adrian Jackson** submitted a 3rd question relating to the 2022 St Kilda Festival. This question has previously been answered at the meeting of 17 February 2021.

Council Report submissions:

Item 15.1 Notice of Motion – Councillor Tim Baxter - Australian Government intervention in the case of Julian Assange

- David Blakeley
- Jenni Roper
- Richard Ludlow
- Scott Haywood

Item 15.2 Notice of Motion – Councillor Katherine Copsey Rainbow Local Government

- Jason Rouda
- Sharrelle Haywood

5. COUNCILLOR QUESTION TIME

Nil.

6 SEALING SCHEDULE

Nil.



7. PETITIONS AND JOINT LETTERS

Item 7.1 Petition regarding Bus Route 606 Dow Street/Esplanade West, Port Melbourne

A Petition containing 27 signatures, was received from local residents.

MOVED Crs Martin/Baxter

That Council receives and notes the petition and that officers provide a response at the next available Council Meeting.

A vote was taken and the MOTION was CARRIED unanimously.

Item 7.2 Petition - Retain BEE Garden at Ludwig Stamer Reserve

A Petition containing 64 signatures was received from local residents.

MOVED Crs Pearl/Bond

That Council:

- 1 Receives and notes the Petition.
- 2 Thanks the community for their petition and acknowledge the community benefits and social connectiveness these gardens have provided the South Melbourne community.
- 3 Endorses the removal of the garden as it is not in accordance with nature strip guidelines and deemed unsafe.
- 4 Notes the resident that installed the garden agreed to remove this garden in September 2020.
- 5 Does not support an extended garden as the Ludwig Stamer Reserve design will propose a section for community gardening.

A vote was taken and the MOTION was CARRIED unanimously.

8. PRESENTATION OF CEO REPORT

Nil.



9. PEOPLE AND COMMUNITY

9.1 Multicultural Advisory Committee Annual Report 2020

Purpose

- 1.1 To present to Council the Multicultural Advisory Committee (MAC) Annual Report 2020 (provided at Attachment 1).

MOVED Crs Baxter/Bond

That Council:

- 3.1 Receives and acknowledge the Multicultural Advisory Committee (MAC) Annual Report 2020 and thanks the Committee for their work and achievements.

A vote was taken and the MOTION was CARRIED unanimously.

9.2 Older Persons Consultative Committee Annual Report 2020

Purpose

- 1.1 To present to Council the Older Persons Consultative Committee (OPCC) Annual Report 2020 (provided at Attachment 1).

MOVED Crs Martin/Baxter

That Council:

- 3.1 Receives and acknowledges the Older Persons Consultative Committee (OPCC) Annual Report 2020 and thanks the Committee for their work and achievements.

A vote was taken and the MOTION was CARRIED unanimously.

10. TRANSPORT AND PARKING

Nil.

11. SUSTAINABILITY

Nil.

12. PLANNING

Nil.



13. ARTS CULTURE & ECONOMIC DEVELOPMENT

13.1 Palais Theatre Ongoing Support April - June 2021

Purpose

- 1.1 To seek approval to provide ongoing support for the Palais Theatre in the form of proportional rental waivers to Live Nation Australia Venues Pty Ltd (Live Nation) for the period between April 2021 and June 2021 to ensure effective recovery from the coronavirus (COVID-19) pandemic.

MOVED Crs Bond/Crawford

That Council:

- 3.1 Approves continued support for the Palais Theatre in the form of rental waivers proportional to loss of income to Live Nation Australia Venues Pty Ltd for the period between April 2021 and June 2021 to ensure effective recovery from the coronavirus (COVID-19) pandemic.
- 3.2 Notes that the request for rental waivers after this date will be considered as part of the 2021-22 Council Budget

A vote was taken and the MOTION was CARRIED unanimously.

14. ORGANISATIONAL PERFORMANCE

14.1 Intention to Lease: (part) 69 White Street, South Melbourne - reporting submissions in response to public notice

Purpose

- 1.1 To note that no submissions were received in response to Council's notice published in accordance with section 190 of the *Local Government Act 1989* ("the Act") advising of its intention to lease part of 69 of White Street, South Melbourne, and to seek authorisation to enter into the lease.

MOVED Crs Baxter/Crawford

That Council:

- 3.1 Notes that it has published a public notice of its intention to lease part of 69 White Street, South Melbourne, under section 190 of the *Local Government Act 1989* ("Notice").
- 3.2 Notes that no submissions responding to the Notice were received.
- 3.3 Authorises the Chief Executive Officer (or their delegate) to enter into a lease for the relevant parts of the Council owned property at 69 White Street, South Melbourne, for market rent, and for a term aligning with the associated service agreement, and to affix the Common Seal of Council, should that be required.

A vote was taken and the MOTION was CARRIED unanimously.



14.2 Intention to lease: (part) 56 - 78 White Street, South Melbourne

Purpose

- 1.1 To seek approval to undertake the statutory processes required under the Local Government Act 1989, relating to the potential lease of part 56 – 78 White Street, South Melbourne, including the hearing and considering of public submissions.

MOVED Crs Baxter/Bond

That Council:

- 3.1 Notes that it must give public notice of its intention to enter in the lease of part 56-78 White Street, South Melbourne (the “Site”).
- 3.2 Resolves to commence the statutory process under the *Local Government Act 1989* (“the Act”) to consider a lease, and authorises Council staff to carry out the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act, including giving public notice of its intention to lease the Site under section 190 of the Act (“Notice”).
- 3.3 If no submissions are received pursuant to the provisions of section 223 of the Act, following publication of the Notice, authorises the Chief Executive Officer (or their delegate) to undertake the necessary procedural steps to complete a lease, including execution of all relevant documentation and the affixing of the Common Seal, should that be required.
- 3.4 Notes that in the event that submissions are received in response to the Notice, a further report will be presented to Council to enable consideration of the submissions.

A vote was taken and the MOTION was CARRIED unanimously.

14.3 Records of Informal Meetings of Council

Purpose

- 1.1 The purpose of this item is to report to Council written records of Informal Meetings of Councillors at the City of Port Phillip as required by the Local Government Act.

MOVED Crs Pearl/Sirakoff

That Council receives and notes the written records of Informal Meetings of Councillors (attached) as required by the Local Government Act.

A vote was taken and the MOTION was CARRIED unanimously.



15. NOTICES OF MOTION

Item 15.1 Notice of Motion - Councillor Tim Baxter - Australian Government Intervention in the case of Julian Assange

MOVED Crs Baxter/Crawford

That Council: -

- 1.1 Notes that WikiLeaks publisher Julian Assange is an Australian citizen and is entitled to the rights that that citizenship confers.
- 1.2 Asserts the City of Port Phillip's staunch support for Freedom of the Press and the Rule of Law and the extension of both to all people.
- 1.3 Notes that despite controversy over many years since its inception, WikiLeaks has played an important and effective role in disclosing war crimes, corporate fraud, environmental damage and other criminal abuses.
- 1.4 Notes that Mr Assange is currently being held on remand maximum security prison in the United Kingdom (UK) without charge, locked in a cell for 23 hours per day.
- 1.5 Notes that Mr Assange is now in very poor health and is facing an appeal from the US regarding the denial of his extradition from the United Kingdom to the United States of America (USA) in an unprecedented Espionage Act prosecution for engaging in journalistic activity and, if convicted, faces 175 years imprisonment and potentially the death penalty.
- 1.6 Notes that the United Nations Working Group on Arbitrary Detention has called not only for Mr Assange's immediate release but also that he be compensated, and that the United Nations Special Rapporteur on torture, Nils Melzer, has examined Mr Assange in Belmarsh Prison and believes that his life is in danger.
- 1.7 Notes and supports Amnesty International's call for the UK to not extradite Mr Assange to the USA and that the UK abide by its obligations under international human rights law that forbids the transfer of individuals to another country where they would face serious human rights violations.
- 1.8 Notes that other major civil liberties, media freedom and human rights groups have spoken out against the arrest and treatment of Julian Assange and include:
 - The International BAR Association of Human Rights Institute (IBAHRI)
 - The European Council
 - The Australian Federal Parliamentary Group headed by Mr Andrew Wilkie
 - The Federal Parliament of Catalonia
 - The Federal Parliament of Austria
 - The former Foreign Minister of Germany
 - The Mexican Prime Minister
 - A Doctors Group of over 150 German Doctors
 - The 130 Prominent Germans Group
 - Many international Lawyers Groups
 - Teachers Groups in Melbourne and Sydney
 - Writers and Journalist Groups
 - PEN International
 - City Councils including Geneva, Yarra, Darebin, Moreland and Byron Shire

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- Freedom of the Press Foundation
- Electronic Frontier Foundation
- American Civil Liberties Union (ACLU)
- The Committee to Protect Journalists (CPJ)
- Reporters Without Borders
- Human Rights Watch (HRW)
- Australian Media Entertainment & Arts Alliance (MEAA)
- Blueprint for Free Speech
- Center for Constitutional Rights
- FAIR Media Watch
- Code Pink
- Cage UK
- Human Rights Law Centre (Australia)
- Digital Rights Watch (Australia)
- IFEX (global network of organisations that promote and defend the right to freedom of expression and information)
- Fair Trials (global criminal justice watchdog)
- Freedom of the Press Foundation
- Electronic Frontier Foundation
- The Committee to Protect Journalists (CPJ)
- The New Yorker
- International Association for Media and Communication Research (IAMCR)
- A global petition compiled of approximately 400,000 signatures

1.9 Requests that on behalf of the Council, the Chief Executive Officer or the Mayor write to the Australian Prime Minister and the Minister of Foreign Affairs forthwith requesting that the Australian Government immediately intervene in this matter to ensure that UK authorities urgently address Mr Assange's poor health and mistreatment and in doing so, uphold the Human Rights of an Australian citizen unjustly imprisoned.

Cr Bond called for the vote to be taken under a DIVISION.

FOR: Crs Baxter, Crawford and Copsey

AGAINST: Crs Bond, Sirakoff, Pearl and Clark

ABSTAINED Cr Martin

The MOTION was LOST.



Item 15.2 Notice of Motion Councillor Katherine Copsey Rainbow Local Government

(This motion has been determined procedurally invalid – see end note.)

MOVED Crs Copsey/Baxter

That Council:

- 1.1 Requests the CEO to develop and bring back to Council a costed program of work that would see all Council services and programs move towards Rainbow Tick accreditation over time. The program of work should identify priority Council programs and services for the phased implementation of Rainbow Tick accreditation and the timeframe for achievement of accreditation. This program of work should be integrated and align with a broader “diversity and inclusion action plan” to ensure all Council services and programs are culturally safe and appropriate for first nations people, people with a disability, people from culturally and linguistically diverse backgrounds and people of all genders and all ages.
- 1.2 Establishes an LGBTIQA+ Advisory Committee, noting that the main resource required for the Committee would be Officer and Councillor time.
- 1.3 Once the LGBTIQA+ Advisory Committee has been established, undertakes the development and implementation of a LGBTIQA+ Action Plan with input from the Advisory Committee, noting that officers advise that the Action Plan can either be resourced by reallocating current priorities or by bringing in a short-term resource to undertake the work.
- 1.4 Notes that the City of Port Phillip’s Flag Protocol already requires that the Rainbow Flag be flown from the highest flagpole on all three Town Halls during the week leading up to Pride March, and requests officers to liaise with Rainbow Local Government to facilitate the flying of appropriate flags from community flagpoles on LGBTIQA+ awareness days in accordance with Council’s Community Flagpole Guidelines.
- 1.5 Notes that the City of Port Phillip has been a long-time sponsor, supporter of and participant in the Pride March, which is held in the City. Councillors and staff take part in the march each year and Council provides a \$65,000 Grant to Midsumma to support Pride March, \$25,000 in traffic management and \$25,000 in kind support.

Cr Bond called for the vote to be taken under a DIVISION.

FOR: Crs Baxter, Crawford, Copsey and Martin

AGAINST: Crs Sirakoff, Pearl and Clark

ABSTAINED Cr Bond

The MOTION was LOST *.

*(*The vote on this motion has been determined procedurally invalid under the Local Government Act 2020, and this motion has been listed for reconsideration on the Agenda for the Council Meeting 21 April 2021 [https://www.portphillip.vic.gov.au/about-the-council/council-meetings/2021-meetings-and-agendas.](https://www.portphillip.vic.gov.au/about-the-council/council-meetings/2021-meetings-and-agendas))*



Item 15.3 Councillor Louise Crawford - Extension of temporary closure of Cecil Street, South Melbourne

MOVED Crs Crawford/Pearl

That Council:

1. Notes the positive feedback received from South Melbourne Market traders, Market visitors and the local community regarding the current temporary closure of Cecil Street, South Melbourne between York and Coventry Streets.
2. Agrees to extend the temporary closure to Wednesday 21 April 2021 to factor in Easter and the School Holiday period.

A vote was taken and the MOTION was CARRIED unanimously.

16. REPORTS BY COUNCILLOR DELEGATES

Councillor Baxter reported to Council on the Association of Bayside Municipalities (ABM):

We have a new group of Councillors as delegates of the ABM, we caught up recently with representatives from the Department of Environment, Land, Water and Planning (DEWLP), Parks Victoria and Lifesaving Victoria and other agencies. The ABM continues to be one of the City of Port Phillip's best avenues to engage with the State Government on issues about Port Phillip Bay and our coast. I'm very proud of my two years as President, and what we have achieved. I'll be happily handing over the presidency next week, but will still continue to represent this Council on the ABM and continue to get value out of that very powerful organisation.

17. URGENT BUSINESS

Nil.

18. CONFIDENTIAL MATTERS

Nil.

As there was no further business the meeting closed at 9.09pm.

Confirmed: 21 April 2021

Chairperson _____